

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ULKU ROWE,

Plaintiff,

v.

GOOGLE LLC.

Defendant.

No. 19-cv-08655 (LGS)

**DECLARATION OF SHIRA GELFAND IN OPPOSITION TO
DEFENDANT’S MOTION FOR SUMMARY JUDGMENT AND IN SUPPORT OF
PLAINTIFF’S CROSS-MOTION FOR SUMMARY JUDGMENT**

I, Shira Z. Gelfand, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I am an attorney in good standing at Outten & Golden LLP. I am admitted to practice in the State of New York and before this Court. I make these statements based on personal knowledge in support of Plaintiff’s Opposition to Defendant’s Motion for Summary Judgment and in support of Plaintiff’s Cross Motion for Summary Judgment.

2. In response to Plaintiff’s Request for Admission ¶ 7, Defendant admits that from the time the position was created through the present, Google used the same external job description for hiring individuals into the role of Technical Director, Office of the CTO, at Levels 8 and 9.

3. In response to Plaintiff’s Request for Admission ¶ 9, Defendant admits that from the time the position was created to present, the rubrics used to evaluate candidates for the [Technical Director] position included the General Cognitive Ability rubric, the Googleness rubric, and Leadership rubric, all of which are generally applicable to applicants seeking positions at Level 8 or higher, regardless of role.

4. In response to Plaintiff's Request for Admission ¶ 22, Defendant admits that while working as Technical Directors, Ms. Rowe's and Nicholas Harteau's job duties have been performed under similar working conditions.

5. In response to Plaintiff's Request for Admission ¶ 23, Defendant admits that from May 15, 2017 to May 2020, Google employed both Ulku Rowe and Nicholas Harteau in Google offices located in New York City.

6. In response to Plaintiff's Request for Admission ¶ 26, Defendant admits that from May 15, 2017 until he left Google in 2020, Nicholas Harteau's base salary was higher than Ulku Rowe's base salary as reflected in their respective Prosper letters.

7. In response to Plaintiff's Request for Admission ¶ 27, Defendant admitted that in 2018 and 2019, Nicholas Harteau's bonus awards have been higher than Ms. Rowe's.

8. In response to Plaintiff's Request for Admission ¶ 28, Defendant admits;

- 2017 (awarded in 2018) – Defendant admits that Mr. Harteau was awarded an Equity Refresh Grant that exceeded Ms. Rowe's
- 2018 (awarded in 2019) – Defendant admits that Mr. Harteau was awarded an Equity Refresh Grant that exceeded Ms. Rowe's
- 2019 (awarded in 2020) – Defendant admits that Mr. Harteau was awarded an Equity Refresh Grant that exceeded Ms. Rowe's

9. In response to Plaintiff's Request for Admission ¶ 96, Defendant admits that [Sebastien] Marotte did not provide a formal written hiring recommendation for Ms. Rowe in the gHire system where this information is normally stored and tracked.

10. In response to Plaintiff's Request for Admission ¶ 97, Defendant admits that [Jason] Martin did not provide a formal written hiring recommendation for Ms. Rowe in the gHire system where this information is normally stored and tracked.

11. In response to Plaintiff's Request for Admission ¶ 97, Defendant admits that [Vats] Srivatsan did not provide a formal written hiring recommendation for Ms. Rowe in the gHire system where this information is normally stored and tracked.

Dated: December 6, 2021
New York, New York

/s/ Shira Z. Gelfand
Shira Z. Gelfand

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